

# TOWN OF DAVIE

## TOWN COUNCIL AGENDA REPORT

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101

**PREPARED BY:** Christopher M. Gratz, Planner II

**SUBJECT:** Delegation Request, DG 8-2-04 S&Z Subdivision, 7090 SR 84, Generally located at the east corner of the intersection of SR 84 and SW 71 Terrace.

**AFFECTED DISTRICT:** District 2

**TITLE OF AGENDA ITEM:** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS THE S&Z SUBDIVISION PLAT; AND PROVIDING AN EFFECTIVE DATE.

**REPORT IN BRIEF:** The applicant requests approval of the resolution to authorize the change in the restrictive note on the S&Z Subdivision Plat **FROM:** "This plat is restricted to 42,430 square feet of warehouse use and 14,000 square feet of commercial use (unrestricted)"; **TO:** "This plat is restricted to 34,824 square feet of commercial use (25,807 square feet existing, 9,017 square feet proposed)".

A revision to the approved level of development for the S&Z Subdivision Plat is necessary to satisfy Broward County concurrency requirements since the structure, as approved and constructed, can support 27,807 square feet of commercial uses. Broward County must consider the entire building to be commercial use in terms of calculating traffic impact fees because of its size. Although, the restrictive note appears to allow the building to accommodate all commercial use, it cannot because of the approved site plan and parking requirements. The Town of Davie Land Development Code limits the 27,807 square foot structure to: 2,207 square feet of warehouse, 9,600 square feet of office, and 14,000 square feet of retail uses. The amount of excess square footage that is "proposed" on the restrictive note has been generated by Broward County and represents vested development rights that result from the conversion of the square footage of warehouse use to commercial use.

Staff finds that the proposed restrictive note is consistent with the Regional Activity Center Future Land Use Plan Map designation, B-3, Planned Business Center District zoning classification, approved site plan, and is compatible with the surrounding area. Staff has no objection to the request.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** None

**FISCAL IMPACT:** None

**RECOMMENDATION(S):** Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

**Attachment(s):** Resolution, Planning Report, Plat, Future Land Use Plan Map, Zoning and Aerial Map

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS THE S&Z SUBDIVISION PLAT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the plat known as the S&Z Subdivision Plat was approved by the Town Council of the Town of Davie on April 18, 1984; and

WHEREAS, the S&Z Subdivision Plat was recorded in the public records of Broward County in Plat Book 126, Page 37; and

WHEREAS, the owners desire to revise the restrictive note associated with said plat; and,

WHEREAS, Broward County requires that the Town of Davie concur with this revision prior to a review of the proposed by Broward County Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Town Council of the Town of Davie does hereby approve the delegation request to change the restrictive note on the S&Z Subdivision Plat. The proposed revision being specifically described on the planning report attached hereto as Exhibit "A".

SECTION 2. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2004.

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

Attest:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2004.

**TOWN OF DAVIE**  
**Development Services Department**  
**Planning and Zoning Division**  
*Staff Report and Recommendation*



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**Applicant Information**

**Owners/Petitioners:**

**Name:** Frank Shear & Mario Zacco  
**Address:** 2011 SW 70 Avenue  
**City:** Davie, FL 33317  
**Phone:** (954) 474-3644

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**Background Information**

**Application History:** No deferrals have been requested.

**Application Request:** The applicant requests approval of the resolution to authorize the change in the restrictive note on the S&Z Subdivision Plat **FROM:** "This plat is restricted to 42,430 square feet of warehouse use and 14,000 square feet of commercial use (unrestricted)"; **TO:** "This plat is restricted to 34,824 square feet of commercial use (25,807 square feet existing, 9,017 square feet proposed)".

**Address/Location:** 7090 SR 84, Generally located at the east corner of the intersection of SR 84 and SW 71 Terrace.

**Future Land Use Plan Designation:** Regional Activity Center (RAC)

**Zoning:** B-3, Planned Business Center District

**Existing/Proposed Use:** Retail/Office/Warehouse (under construction)

**Net Parcel Size:** 2.156 acres (93,843 square feet)

**Surrounding Uses:**

**North:** SR 84/I-595  
**South:** Office/Warehouse  
**East:** Restaurant Depot  
**West:** Carmax

**Surrounding Future Land  
Use Plan Map Designation:**

Transportation  
RAC  
RAC  
Residential (10 DU/AC)

**Surrounding Zoning:**

**North:** T, Transportation District

**South:** M-1, Light Industrial District

**East:** CC, Commerce Center District

**West:** CC, Commerce Center District

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## **Zoning History**

**Zoning History:** The rezoning, changing the site from: CC, Commerce Center District, to: B-3, Planned Business Center District, was approved on March 7, 1999.

**Plat History:** The plat, S&Z Subdivision, was approved on April 18, 1984, with a note restricting the site to 36,100 square feet of commercial use, and was subsequently recorded in Plat Book 126, Page 37, of the official records of Broward County.

The delegation request, DG 6-1-98 S&Z Subdivision, to change the restrictive note from: 36,100 square feet of commercial use, to: 42,430 square feet of warehouse use and 14,000 square feet of commercial use (unrestricted), was approved on June 17, 1998.

The trip transfer agreement, DG 8-3-98 South 84/S&Z, in order to transfer 1,300 trips from the S&Z Subdivision (126-37) to the South 84 Plat (130-9), was approved on September 2, 1998.

**Site Plan History:** The site plan, SP 1-3-99 S&Z Subdivision, for a 25,807 square foot commercial building, was approved on September 1, 1999. The approval expired prior to the issuance of a construction permit.

The site plan, SP 1-5-01 S&Z Subdivision, for a 25,807 square foot commercial building, was approved on November 20, 2001.

The site plan modification, SP 3-2-04 S&Z Subdivision, to modify the rear of the structure, was approved on July 2, 2004.

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## **Comprehensive Plan Considerations**

**Planning Area:** The subject property falls within Planning Area 6. Planning Area 6 includes lands located south of State Road 84, east of University Drive and north of Nova Drive, together with lands located east of the Florida Turnpike and west of State Road 7, south of State Road 84 and north of the south Town limits. The majority of this planning area is industrially zoned and land used plan designated. There are small commercial parcels along the State Road 7 corridor with one large retail center being located on the southeast corner of University Drive and State Road 84. Commercial flexibility has been applied to parcels on Nova Drive.

**Broward County Land Use Plan:** The subject site falls within Flexibility Zone 99. The Broward County Land Development Code requires that any changes or waivers to

requirements of development permit applications be reviewed and approved or disapproved by the municipality with final approval by Broward County Commission.

**Applicable Goals, Objectives & Policies:** *Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-3:* Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

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### **Application Details/Staff Analysis**

A revision to the approved level of development for the S&Z Subdivision Plat is necessary to satisfy Broward County concurrency requirements since the structure, as approved and constructed, can support 27,807 square feet of commercial uses. Broward County must consider the entire building to be commercial use in terms of calculating traffic impact fees because of its size. Although, the restrictive note appears to allow the building to accommodate all commercial use, it cannot because of the approved site plan and parking requirements. The Town of Davie Land Development Code limits the 27,807 square foot structure to: 2,207 square feet of warehouse, 9,600 square feet of office, and 14,000 square feet of retail uses. The amount of excess square footage that is "proposed" on the restrictive note has been generated by Broward County and represents vested development rights that result from the conversion of the square footage of warehouse use to commercial use.

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### **Findings of Fact**

Staff finds that the proposed restrictive note is consistent with the Regional Activity Center Future Land Use Plan Map designation, B-3, Planned Business Center District zoning classification, approved site plan, and is compatible with the surrounding area. Staff has no objection to the request.

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### **Staff Recommendation**

Staff finds the subject application complete and suitable for transmittal to the Town Council for further consideration.

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### **Exhibits**

1. Plat
2. Future Land Use Plan Map
3. Zoning and Aerial Map

Prepared by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_



RECEIVED  
AUG 17 2004

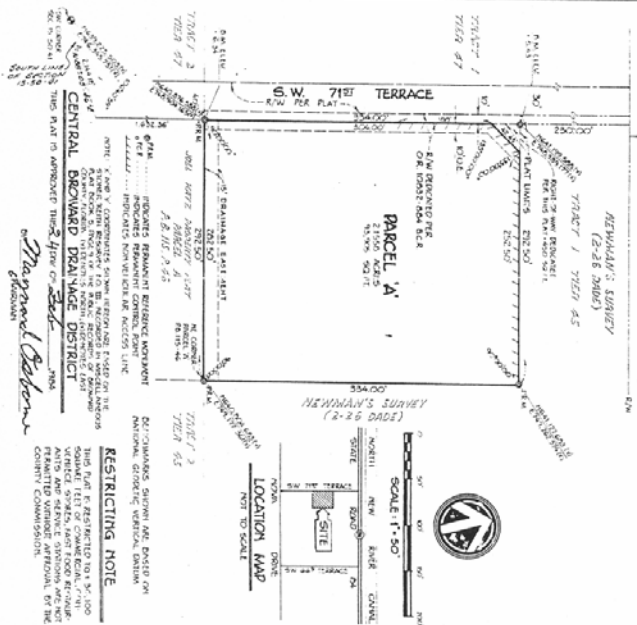
TOWN OF DAVIE  
ANNING & ZONING DIV.

DERBY, CALVIN, BROOME & FARINA • ENGINEERS & SURVEYORS • HOLLYWOOD, FLORIDA •

# S & Z SUBDIVISION

A RESUBDIVISION OF A PORTION OF TRACT 1, TIER 45 OF 'NEWMAN'S SURVEY' (2-26 DADE), BEING IN SECTION 15, TOWNSHIP 50 SOUTH, RANGE 41 EAST, TOWN OF DAVIE, BROWARD COUNTY, FLORIDA

STATE ROAD 84  
(D.E. BOOK 422, PAGE 25)



**DESCRIPTION**  
THE SOUTH 3/4 OF THE WEST 1/4 OF TRACT 1, TIER 45, BEING A PORTION OF TRACT 1, TIER 45 OF 'NEWMAN'S SURVEY' (2-26 DADE), BEING IN SECTION 15, TOWNSHIP 50 SOUTH, RANGE 41 EAST, TOWN OF DAVIE, BROWARD COUNTY, FLORIDA, IS HEREBY RESUBDIVIDED INTO TWO (2) LOTS, EACH BEING 1/2 OF THE SOUTH 3/4 OF THE WEST 1/4 OF TRACT 1, TIER 45 OF 'NEWMAN'S SURVEY' (2-26 DADE), BEING IN SECTION 15, TOWNSHIP 50 SOUTH, RANGE 41 EAST, TOWN OF DAVIE, BROWARD COUNTY, FLORIDA.

**ACKNOWLEDGMENT**  
I, DERBY, CALVIN, BROOME & FARINA, ENGINEERS & SURVEYORS, DO HEREBY CERTIFY THAT THE FOREGOING RESUBDIVISION OF A PORTION OF TRACT 1, TIER 45 OF 'NEWMAN'S SURVEY' (2-26 DADE), BEING IN SECTION 15, TOWNSHIP 50 SOUTH, RANGE 41 EAST, TOWN OF DAVIE, BROWARD COUNTY, FLORIDA, WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A duly Licensed Professional Engineer and Surveyor in the State of Florida.

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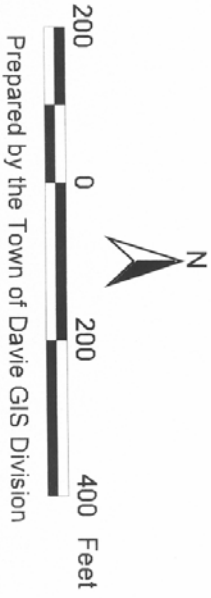
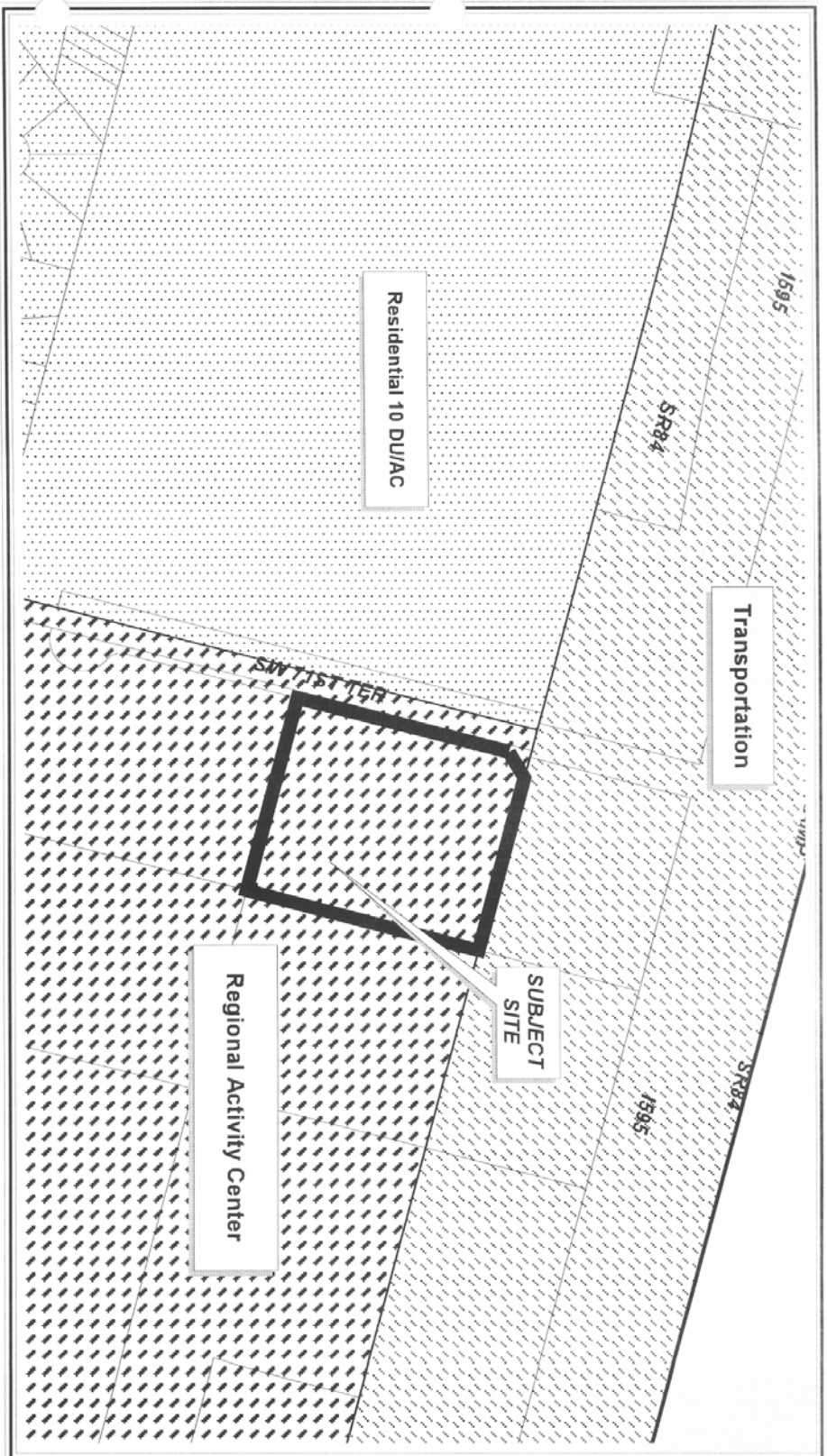
**TOWN COUNCIL**  
THIS IS TO CERTIFY THAT THIS PLAN HAS BEEN APPROVED AND ACCEPTED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA, ON THIS 17th DAY OF AUGUST, 2004, AT A REGULAR MEETING OF THE TOWN COUNCIL, AND THAT THE TOWN ENGINEER HAS REVIEWED THE PLAN AND FOUND IT TO BE IN ACCORDANCE WITH THE TOWN ENGINEERING DEPARTMENT'S STANDARDS AND SPECIFICATIONS.

**TOWN PLANNING AND ZONING BOARD**  
THIS IS TO CERTIFY THAT THIS PLAN HAS BEEN APPROVED AND ACCEPTED BY THE TOWN PLANNING AND ZONING BOARD OF THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA, ON THIS 17th DAY OF AUGUST, 2004, AT A REGULAR MEETING OF THE TOWN PLANNING AND ZONING BOARD, AND THAT THE TOWN ENGINEER HAS REVIEWED THE PLAN AND FOUND IT TO BE IN ACCORDANCE WITH THE TOWN ENGINEERING DEPARTMENT'S STANDARDS AND SPECIFICATIONS.

**BROWARD COUNTY PLANNING COUNCIL**  
THIS IS TO CERTIFY THAT THIS PLAN HAS BEEN APPROVED AND ACCEPTED BY THE BROWARD COUNTY PLANNING COUNCIL, ON THIS 17th DAY OF AUGUST, 2004, AT A REGULAR MEETING OF THE COUNCIL, AND THAT THE COUNTY ENGINEER HAS REVIEWED THE PLAN AND FOUND IT TO BE IN ACCORDANCE WITH THE COUNTY ENGINEERING DEPARTMENT'S STANDARDS AND SPECIFICATIONS.

**BROWARD COUNTY FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT - COUNTY RECORDS DIVISION - MINUTES SECTION**  
THIS IS TO CERTIFY THAT THIS PLAN HAS BEEN APPROVED AND ACCEPTED BY THE BROWARD COUNTY FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT - COUNTY RECORDS DIVISION - MINUTES SECTION, ON THIS 17th DAY OF AUGUST, 2004, AT A REGULAR MEETING OF THE DEPARTMENT, AND THAT THE COUNTY ENGINEER HAS REVIEWED THE PLAN AND FOUND IT TO BE IN ACCORDANCE WITH THE COUNTY ENGINEERING DEPARTMENT'S STANDARDS AND SPECIFICATIONS.

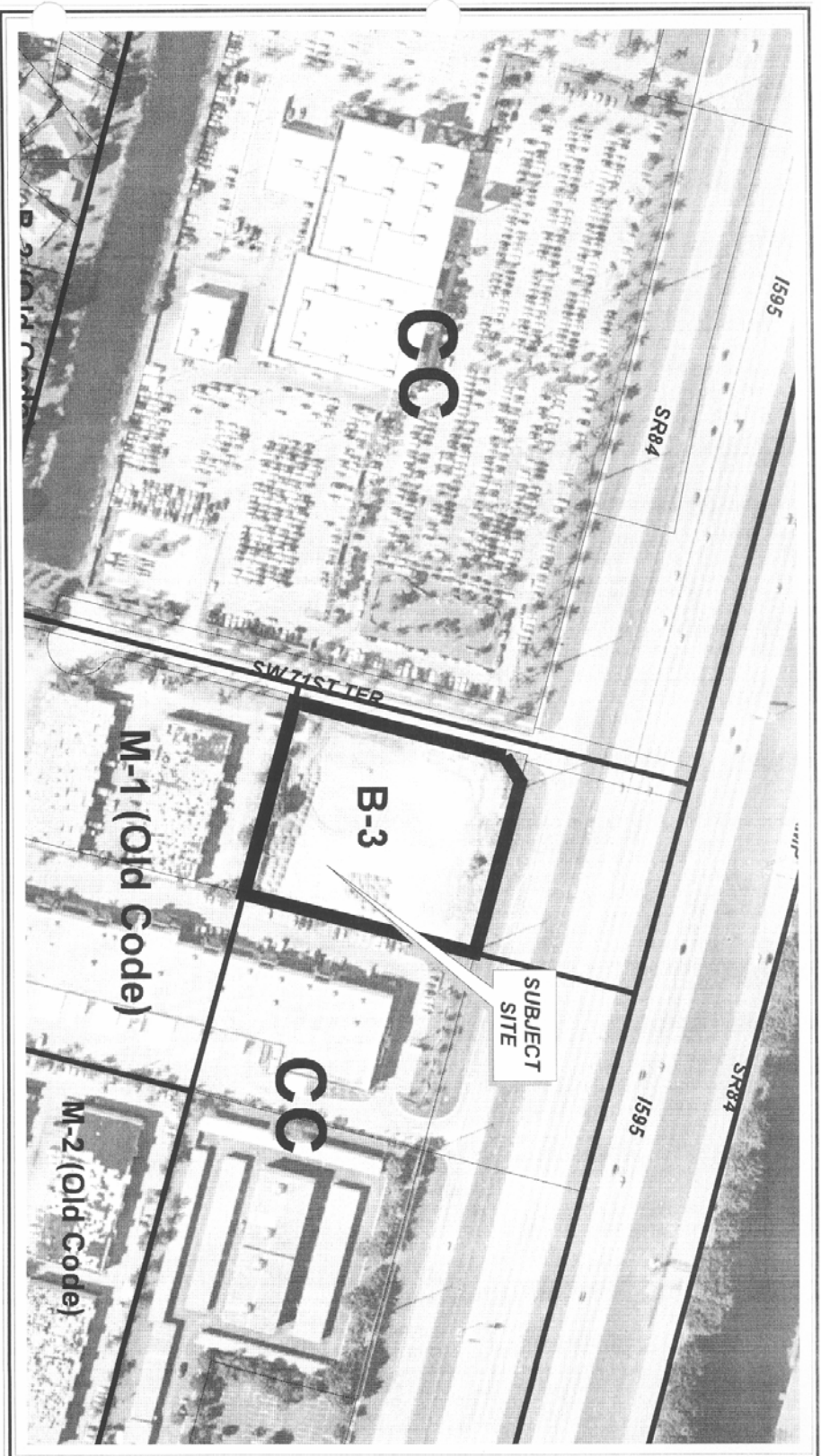
**BROWARD COUNTY ENGINEERING DIVISION**  
THIS IS TO CERTIFY THAT THIS PLAN HAS BEEN APPROVED AND ACCEPTED BY THE BROWARD COUNTY ENGINEERING DIVISION, ON THIS 17th DAY OF AUGUST, 2004, AT A REGULAR MEETING OF THE DIVISION, AND THAT THE COUNTY ENGINEER HAS REVIEWED THE PLAN AND FOUND IT TO BE IN ACCORDANCE WITH THE COUNTY ENGINEERING DEPARTMENT'S STANDARDS AND SPECIFICATIONS.



Prepared By: JD  
Date Prepared: 6/23/04

# **SITE PLAN** **SP 3-2-04** **Future Land Use Map**





Date Flown:  
12/31/02



200 0 200 400 Feet

Prepared by the Town of Davie GIS Division



Prepared By: ID  
Date Prepared: 6/23/04

# **SITE PLAN** **SP 3-2-04** **Zoning and Aerial Map**